

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SAUL FARVELA,

Plaintiff,

v.

MATOUSEK, *et al.*,

Defendants.

Case No. 2:21-cv-01720-APG-DJA

ORDER

I. DISCUSSION

Plaintiff Saul Farvela initiated this action with a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983 and an incomplete application to proceed *in forma pauperis*. ECF Nos. 1, 1-1. Magistrate Judge Albregts denied the incomplete application to proceed *in forma pauperis* without prejudice and with leave to file a complete application to proceed *in forma pauperis* by November 22, 2021. ECF No. 3. On November 17, 2021, the Clerk of the Court received a second application to proceed *in forma pauperis* and uploaded it to CM/ECF. ECF No. 4. The uploaded file was missing two pages. *Id.* As such, I dismissed this action without prejudice and closed this case based on Farvela's apparent failure to file a complete application to proceed *in forma pauperis*.

Farvela has now filed a motion for reconsideration. ECF No. 7. In the motion, he states that he did file a complete application to proceed *in forma pauperis* and that the missing pages were printed on the backs of the other pages. I have confirmed that Farvela did file a complete application to proceed *in forma pauperis*. Because only the first two pages had printed material on both sides, Farvela's application was inadvertently uploaded to CM/ECF without the back of the first two pages.

1 A party can seek reconsideration under Federal Rule of Civil Procedure 60(b). Fed. R.
2 Civ. P. 60(b). A motion to reconsider must set forth “some valid reason why the court should
3 reconsider its prior decision” and set “forth facts or law of a strongly convincing nature to
4 persuade the court to reverse its prior decision.” *Frasure v. United States*, 256 F.Supp.2d 1180,
5 1183 (D. Nev. 2003). A court may grant a motion for reconsideration for a number of reasons,
6 including “mistake, inadvertence, surprise, or excusable neglect,” or “any other reason that
7 justifies relief. Fed. R. Civ. P. 60(b)

8 I find that Farvela has set forth facts that provide a valid basis to reconsider my previous
9 order dismissing this case. Farvela filed a complete application to proceed *in forma pauperis*, but
10 two pages were inadvertently not uploaded to CM/ECF. Accordingly, I grant Farvela’s motion,
11 vacate my previous order, and reopen this case.

12 **II. CONCLUSION**

13 Therefore, I order that Farvela’s motion for reconsideration (ECF No. 7) is granted.

14 I further order that the Clerk of the Court vacate the Order and Judgment dismissing this
15 action without prejudice (ECF Nos. 5, 6).

16 I further order that the Clerk of the Court reopen this case.

17 I further order that the Clerk of the Court will file a complete version of the application to
18 proceed *in forma pauperis* that Farvela filed on November 17, 2021, including the front and back
19 of the first two pages.

20 I further order that I will screen the complaint in a separate order.

21 Dated: December 28, 2021

22 
23 U.S. District Judge